

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. The petitioners do not dispute any of the figures used by the Department. The family needs insurance coverage because they have medical conditions that require costly prescription medications. The petitioners feel they should be

allowed a deduction from their income to reflect their necessary living expenses.

ORDER

The decision of the Department is affirmed.

REASONS

Under the VHAP regulations, parents and children under 21 are considered as a household, and all earned income of eligible household members is included as countable income for each household member's eligibility. W.A.M. 4001.81(c). For employees the only deduction allowed is a \$90 standard deduction. Unfortunately for individuals in the petitioner's position, there are no deductions for medical expenses in the VHAP program (although the Board has often noted what it considers to be the glaring unfairness of this feature).

There is no dispute that the petitioner's family has countable income in excess of the maximum for eligibility under the VHAP program for a three-person family with eligible children, which is \$2,416 a month. P-2420 B. If applicants have income above this amount, they cannot be found eligible for that program. W.A.M. 4001.83 and 4001.84. As the Department's decision is in accord with its regulation, the

Board is bound to uphold the decision. 3 V.S.A. 3091(d), Fair Hearing Rule 17.

The petitioner and her husband have been found eligible for the Healthy VermonTERS Program that helps reduce their expenses for the prescription medication they must take.

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